

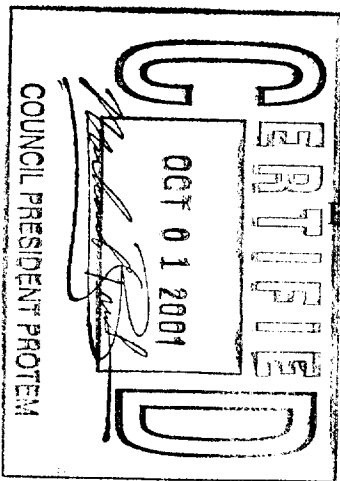
Entered -05-27-99 - sb
CL 99L0327 - GWENDOLYN BURNS

01-R-1557

CLAIM OF: **STATE FARM INSURANCE COMPANY**
as subrogee of **FERRIS J. HOWARD AND**
MAMIE F. HOWARD
P.O. Box 370568
Decatur, Georgia 30037

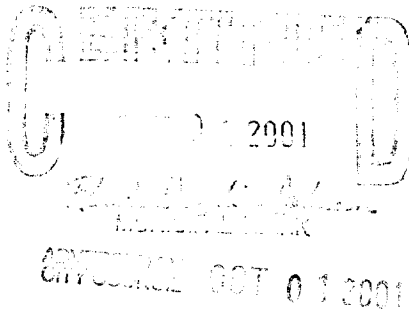
For property damages alleged to have been sustained from a water
main break on November 19, 1998 at 3845 Fellwood Place.

THIS ADVERSED REPORT IS
APPROVED



BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert D. G. GCA*



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE:

V-CHAIR. *Cletia Henslow*
Sherry Dorse



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

October 10, 2001

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

State Farm Insurance Company as subrogee
Ferris J. Howard and Mamie F. Howard
P. O. Box 370568
Decatur, GA 30037

01-R-1557

Dear Mr. & Mrs. Howard:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 01, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0327

Date: September 14, 2001

Claimant /Victim FERRIS J. HOWARD AND MAMIE F. HOWARD
BY: (Atty) (Ins. Co.) STATE FARM INSURANCE COMPANY
Address: P. O. Box 370568, Decatur, Georgia 30037
Subrogation: Claim for Property damage \$ 6,463.99 Bodily Injury \$
Date of Notice: 5/14/99 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/19/98 Place: 3845 Fellwood Place
Department WATER Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimants allege that they sustained damages when their home was flooded from a hydrant that was turned on by City workers during a water main repair. However, an investigation determine that the City does not have any record of a main break or repair at the above-referenced incident location. (Companion claim: 99L0327)

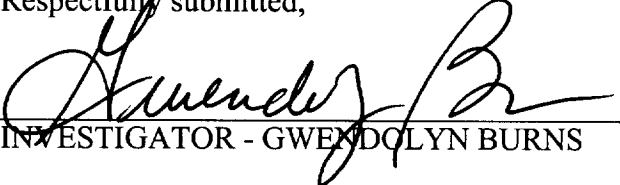
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

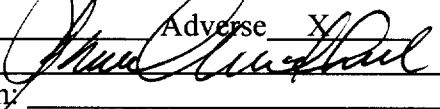
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 09-14-01
Committee Action: Council Action

RCS# 3142
10/01/01
1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	NV Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1018

CONSENT

ITEMS ADOPTED ON CONSENT AGENDA	10/01/01 Council Meeting ITEMS ADVERSED ON CONSENT AGENDA
1. 01-O-1570 2. 01-O-1571 3. 01-O-1354 4. 01-O-1488 5. 01-O-1335 6. 01-O-1336 7. 01-O-1337 8. 01-O-1342 9. 01-O-1343 10. 01-O-1344 11. 01-O-1345 12. 01-O-1346 13. 01-O-1119 14. 01-O-1351 15. 01-O-1572 16. 01-R-1588 17. 01-R-1273 18. 01-R-1276 19. 01-R-1428 20. 01-R-1456 21. 01-R-1471 22. 01-R-1499 23. 01-R-1580 24. 01-R-1581 25. 01-R-0921 26. 01-R-1561 27. 01-R-1584 28. 01-R-1521 29. 01-R-1522 30. 01-R-1523 31. 01-R-1524 32. 01-R-1525 33. 01-R-1526 34. 01-R-1527 35. 01-R-1528 36. 01-R-1545 37. 01-R-1546 38. 01-R-1547	39. 01-R-1529 40. 01-R-1530 41. 01-R-1531 42. 01-R-1532 43. 01-R-1533 44. 01-R-1534 45. 01-R-1535 46. 01-R-1536 47. 01-R-1537 48. 01-R-1538 49. 01-R-1539 50. 01-R-1540 51. 01-R-1541 52. 01-R-1542 53. 01-R-1543 54. 01-R-1544 55. 01-R-1548 56. 01-R-1549 57. 01-R-1550 58. 01-R-1551 59. 01-R-1552 60. 01-R-1553 61. 01-R-1554 62. 01-R-1555 63. 01-R-1556 64. 01-R-1557 65. 01-R-1558 66. 01-R-1559 67. 01-R-1560